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Notice of Allowability

5.07

Application No.

09/495,947

Examiner

Q. Janice Li

Applicant(s)

COLEMAN ET AL.

Art Unit

1632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/9/03.
2. ☒ The allowed claim(s) is/are 1,3,10-13,24,25 and 27.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☒ to Paper No. 24.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No. _____ | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/4/03 has been entered.

The amendment, Declaration of Darrell Peterson, and response filed 9/9/03 have been entered. Claims 4-9, 14-23, 26, 28, and 29 have been canceled. Claims 1, 3, 10-13, and 24 have been amended. Claims 1, 3, 10-13, 24, 25, and 27 are pending and under current examination.

All of the amendments have been thoroughly reviewed and entered. The previous rejections in the Office action of Paper No. 24 are withdrawn in view of the amendments, Declaration, and the following Examiner's amendment.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

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Authorization for this examiner's amendment was given in a telephone interview with Don Pelto on January 6, 2004 and Mary Webster on January 8, 2004.

The claims have been amended as follows:

In claim 11, --an-- was inserted before agent in line 2.

In claim 24, --genetically engineered-- was inserted in place of "linked" in line 3.

In claim 25, --(Previously presented)-- was inserted after "25".

The specification has been amended as follows:

In page 1, line 4, -- This application claims priority from the U.S. provisional patent application serial number 60/118,526, filed February 2, 1999. -- was inserted.

In page 7, line 5, --(SEQ ID No: 1) -- was inserted after "HBcAg".

In page 7, line 6, --(SEQ ID No: 2) -- was inserted after "HBcAg".

In page 9, line 24, --(SEQ ID No: 21)-- was inserted before the period.

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In page 10, line 1, --(SEQ ID No: 22)-- was inserted before the period.

In page 10, line 2, --(SEQ ID No: 23)-- was inserted after "HBcAg".

In page 10, line 3, --(SEQ ID No: 24)-- was inserted after "HBcAg".

Drawings

The drawings filed on 2/2/2000 are acceptable subject to correction of the informalities indicated on the "Notice of Draftperson's Patent Drawing Review," PTO-948 in paper #24. In order to avoid abandonment of this application, correction is required.

Conclusion

Claims 1, 3, 10-13, 24, 25, and 27 are allowed.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Q. Janice Li whose telephone number is 571-272-0730. The examiner can normally be reached on 9:30 am - 6 p.m., Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amy Nelson can be reached on 571-272-0804. The fax numbers for the organization where this application or proceeding is assigned are 703-872-9306.

Any inquiry of formal matters can be directed to the patent analyst, Dianiece Jacobs, whose telephone number is (571) 272-0532.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

Q. Janice Li
Patent Examiner
Art Unit 1632

QJL
January 8, 2004

ANNE M. WEHBE' PH.D
PRIMARY EXAMINER

